ORDER RECEIVED FOR FILING
Date
By

IN RE: PETITION FOR ADMIN. VARIANCE
N/S Spring Avenue, 600' S of
the c/l of Monumental Road

(4220 Spring Avenue) 13th Election District 1st Councilmanic District

Jerry E. McPherson Petitioner * BEFORE THE

* ZONING COMMISSIONER

* OF BALTIMORE COUNTY

* Case No. 98-465-A

*

* * * * * * * * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Zoning Commissioner for consideration of a Petition for Administrative Variance filed by the owner of the subject property, Jerry E. McPherson. The Petitioner seeks relief from Section 1B02.C.2a of the Baltimore County Zoning Regulations (B.C.Z.R.) and Section V.B.5.A of the Comprehensive Manual of Development Policies (C.M.D.P.) to permit a rear setback of 28 feet for an existing building and 21 feet for a proposed enclosed sunporch in lieu of the required 35 feet for each. The subject property and relief sought are more particularly described on the site plan submitted with the Petition filed and marked into evidence as Petitioner's Exhibit 1.

The Petitioners have filed the supporting affidavits as required by Section 26-127 (b)(1) of the Baltimore County Code. The subject property having been posted and there being no requests for a public hearing, a decision shall be rendered based upon the documentation contained within the case file. Based upon the information available, there is no evidence in the file to indicate that the requested variances would adversely affect the health, safety or general welfare of the surrounding community and should therefore be granted. In the opinion of the Zoning Commissioner, the information, pictures, and affidavits submitted provide sufficient facts that comply with the requirements of Section 307.1 of the B.C.Z.R.

Furthermore, strict compliance with the B.C.Z.R. would result in practical difficulty and/or unreasonable hardship upon the Petitioners.

Pursuant to the posting of the property and the provisions of both the Baltimore County Code and the B.C.Z.R. having been met, and for the reasons set forth above, the relief requested should be granted.

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this day of June, 1998 that the Petition for Administrative Variance seeking relief from Section 1B02.C.2a of the Baltimore County Zoning Regulations (B.C.Z.R.) and Section V.B.5.A of the Comprehensive Manual of Development Policies (C.M.D.P.) to permit a rear setback of 28 feet for an existing building and 21 feet for a proposed enclosed sumporch in lieu of the required 35 feet for each, in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED, subject, however, to the following restrictions:

1) The Petitioners may apply for their building permit and be granted same upon receipt of this Order; however, Petitioners are hereby made aware that proceeding at this time is at their own risk until the 30-day appeal period from the date of this Order has expired. If an appeal is filed and this Order is reversed, the relief granted herein shall be rescinded.

LAWRENCE E. SCHMIDT Zoning Commissioner

for Baltimore County

LES:bjs

DATE THE CHANGE TO FOR FILLING



Suite 405, County Courts Bldg. 401 Bosley Avenue Towson, Maryland 21204 410-887-4386

June 24, 1998

Mr. Jerry E. McPherson 4220 Spring Avenue Baltimore, Maryland 21227

RE: PETITION FOR ADMINISTRATIVE VARIANCE
N/S Spring Avenue, 600' S of the c/l of Monumental Road
(4220 Spring Avenue)
13th Election District - 1st Councilmanic District
Jerry E. McPherson - Petitioner
Case No. 98-465-A

Dear Mr. McPherson:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petition for Administrative Variance has been granted in accordance with the attached Order.

In the event any party finds the decision rendered is unfavorable, any party may file an appeal to the County Board of Appeals within thirty (30) days of the date of this Order. For further information on filing an appeal, please contact the Permits and Development Management office at 887-3391.

Very truly yours,

LAWRENCE E. SCHMIDT Zoning Commissioner for Baltimore County

LES:bjs

cc: R. L. Tice, Patio Enclosures, Inc. 224 8th Avenue, N.W., Glen Burnie, Md. 21061

People's Counsel

File

REQUIRED 35 FT.

circulation, throughout Baltimore County, and that the property be reposted.

ESTIMATED POSTING DATE:

practical difficulty)

Petition for Administrative Variance

to the Zoning Commissioner of Baltimore County

The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached

of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County; for the following reasons: (indicate hardship or

hereto and made a part hereof, hereby petition for a Variance from Section(s) V.B. 5.2 (CMDP) & 1802C22 (BCZP)

TO FERMIT A REAR SETBACK & 28 FT-FOR THE CLISTING BOILDING AND

21 FT-FOR THE PROPOSED ENCLOSED SUN FORCH IN LIEU OF THE

for the property located at

This Petition shall be filed with the Dept. of Permits & Development Management

4220 SPRING AVENUE

which is presently zoned

Zarung Commissioner of Baltimore County

ITEM #:

DR.2

*SEE REVERSE SIDE.	
Property is to be posted and advertised as prescribe, or we, agree to pay expenses of above Variance advertising, posted bound by the zoning regulations and restrictions of Baltimore of the property of the	
Contract Purchaser/Lessee	I/We do solemnly declare and affirm under the penalties of perjury that I/we are legal owner(s) of the property which is the subject of this Petition Legal Owner(s) Jerry
(Type or Print Name)	(Type or Print Name)
Signature	Signature Communication of the Signature
Address	(Type or Print Name)
City State Zipcode	Signature
PATIO ENCLOSURES, INC.	4220 SPRING AVENUE 410-247-2214 Address Phone No
Signature R. L. TICE, AGENT	BALTIMORE, MD. 21227 City State Zipcode Name, Address and phone number of representative to be contacted
224 8th AVENUE, N.W. 410-760-1919 Address Phone No	PATIO ENCLOSURES, INC.
GLEN BURNIE, MD. 21061 City State Zipcode	224 8th AVE., N.W. 410-760-1919 Address Phone No
A Public Hearing having been requested and/or found to be required, it is ordered that the subject matter of this petition be set for a public hearing, advertised as a	CLEN BURNTE, MD 21061 by the Zoning Commissioner at Baltimore County, thisday of 19

that the subject matter of this petition be set for a public hearing, advertised, as required by the Zoning Regulations of Bathmare County in two newspapers of general

Affidavit in support of Administrative Variance

The undersigned hereby affirms under the penalties of perjury to the Zoning Commissioner of Baltimore County, as follows:

That the information herein given is within the personal knowledge of the Affiant(s) and that Affiant(s) is/are competent to testify thereto in the event that a public hearing is scheduled in the future with regard thereto.

That the Affiant(s) does/do presently reside at	4220 SPRING	AVENU	E		
	ddress				_
	HALETHORPE,	MD.	21227		
	Cny		State	Zip Code	
That based upon personal knowledge, the follow Variance at the above address: (indicate hardship or pr	ing are the facts upon w record difficulty)	hich I/we	base the request	for an Administrat	ive
1. THIS AREA LENDS ITSELF TO TE	E UTILIZATION	OF E	KISTING FA	CILITIES AN	D LAND
WITHOUT INTERRUPTION OR MAJO	R ALTERATIONS	TO T	E PRESENT	FLOOR PLAN	PATTERNS
2 INSULATE AND REDUCE HEATING	BILLS.				
3. REDUCE OUTSIDE NOISE.					
4. A PLACE TO SIT OUT AND NOT PLIES, ETC. 5. IMPROVE APPEARANCE OF HOUSE	•	<i>i</i> ITH T	HE WEATHER	, BUGS: MOS	QUITOES,
6. THE RESTRICTIVE AREA OF TH	E LOT DOES NOT	LEND	ITSELF TO	ANY ADDTTI	ON OF
PRACTICAL SIZE WITHOUT REQU					<u> </u>
That Affiant(s) acknowledge(s) that if a protest is may be required to provide additional information Value Control The Control	s filed, Affiant(s) will be	(algnati		g and advertising fo	æ and
STATE OF MARYLAND, COUNTY OF BALTIM	IORE, to wit				
of Maryland, in and for the County aforesaid, person	' ' ' ' /) /		, before me, a	Notary Public of the	e State
serry enamuel 1	nc Pherso) W			
the Affiants(s) herein, personally known or satisfacthat the matters and facts hereinabove set forth are	torily identified to me a true and correct to the	s such Af best of h	fiantt(s), and ma s/her/their know	de oath in due form ledge and belief.	of law
AS WITNESS my hand and Notarial Seal.					
	NUIAKYPE	PLIC	Studen	3	
	My Commiss	on Expire	s: 4/4/77	1	

Affidavit in support of Administrative Variance

The undersigned hereby affirms under the penalties of perjury to the Zoning Commissioner of Baltimore County, as follows:

That the information herein given is within the personal knowledge of the Affiant(s) and that Affiant(s) is/are competent to testify thereto in the event that a public hearing is scheduled in the future with regard thereto.

That the Affiant(s) does/do presently reside at 4220 SPRING AVENUE
HALETHORPE, MD. 21227
That based upon personal knowledge, the fellowing are the facts upon which I/we base the request for an Administrative Variance at the above address: (indicate hardship or practical difficulty)
1. THIS AREA LENDS ITSELF TO THE UTILIZATION OF EXISTING FACILITIES AND LAND
WITHOUT INTERRUPTION OR MAJOR ALTERATIONS TO THE PRESENT FLOOR PLAN PATTERN
2 INSULATE AND REDUCE HEATING BILLS.
3. REDUCE OUTSIDE NOISE.
4. A PLACE TO SIT OUT AND NOT BE CONCERNED WITH THE WEATHER, BUGS; MOSQUITOES, FLIES, ETC. 5. IMPROVE APPEARANCE OF HOUSE.
PRACTICAL SIZE WITHOUT REQUIRING A VARIANCE. That Affiant(s) acknowledge(s) that if a protest is filed, Affiant(s) will be required to pay a reposting and advertising fee and may be required to provide additional information.
EMANUEL MCPHERSON Type of print name) STATE OF MARYLAND, COUNTY OF BALTIMORE, to will
of Maryland, in and for the County atoresaid, personally appeared. 19 98, before me, a Notary Public of the State
Derry Emanuel McPherson
the Affiants(s) herein, personally known or satisfactorily identified to me as such Affiantt(s), and made oath in due form of law that the matters and facts hereinabove set forth are true and correct to the best of his/her/their knowledge and belief.
AS WITNESS my hand and Notarial Seal. 5 / 2 / 9 8 date NoTage reading
My Commission Expires: 5/12/98



Petition for Administrative Variance

to the Zoning Commissioner of Baltimore County

for the property located at

	which is presently zoned pp. 2
This Petition shall be filed with the Dept. of Permits &! The undersigned, legal owner(s) of the property situate in Rev	<u>DK. Z</u>
hereto and made a next house (s) of the property situate in Bal	Pevelopment Management timore County and which is described in the description and plat attach rom Section(s)
The made a part hereor, hereby petition for a Variance fr	timore County and which is described in the description and plat attach rom Section(s) V. 3.5, A (MPP) + 802C22(60
10 PERMIT A REAR SETBACK	0 + 38 FT + FOR The FUND
AND 21 FT I for the propose	d Enclosed En
The Required 35 FT.	of 28FT + FOR The EXISTING BUILDING & ENclosed SUMPORCH in /icu of
of the Zoning Regulations of Baltimore County to the Zonian Le	
practical difficulty)	aw of Baltimore County; for the following reasons: (indicate hardship or
*SEE REVERSE SIDE.	
n	
Property is to be posted and advertised as prescri	bed by Zoning Regulations
be bound by the zoning regulations and accordance advertising, p	bed by Zoning Regulations. posting, etc., upon filing of this petition, and further agree to and are to County adopted pursuant to the Zonna Law Ava B.
, and assume regulations and restrictions of Baltimore	posting, etc., upon filing of this petition, and further agree to and are to County adopted pursuant to the Zoning Law for Baltimore County
	, and a sound
	We do solemnly declare and aftern the solemnia declare and aft
ontract Purchaser/Lessee	I/We do solemnly declare and affirm under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition.
Sweet Charles of Care Sales	Legal Owner(s)
	Je rry
rpe or Print Name)	(Type or Print Name)
	(Type of First Name)
nature	x Jerry Commend Modern
	Signature
tress	•
	(Type or Print Name)
Q-1-	
State Zipcode	Signature
ATTO ENGLOCUENCE	
PATIO ENCLOSURES, INC.	4220 SPRING AVENUE 410-247-2214
	Address PRING AVENUE 410-247-2214 Phone No
	The Target day of the Control of the
ature R. L. TICE, AGENT	BALTIMORE, MD. 21227
	Name, Address and phone number of representative to be contacted
4 8th AVENUE, N.W. 410-760-1919	DAMITO TOYOT A CONTROL
Phone No.	PATIO ENCLOSURES, INC.
EN BURNIE, MD. 21061	22/ 041 4777 27 22
State Zrpcode	224 8th AVE., N.W. 410-760-1919 Address Phone No
he Harry	CI EN DIIDNIE AD GLOCA
nic nearing having been requested and/or found to be required it is and as to	
ne subject matter of this petition be set for a public to	
dic Hearing having been requested and/or found to be required, it is ordered ne subject matter of this petition be set for a public hearing, advertised, as rec ation, throughout Battimare County, and that the property be reposted.	quired by the Zoning Regulations of Balt more County in two newspapers of peners

ESTIMATED POSTING DATE: 6-7-98



ZONING DESCRIPTION

Zoning Description for 4220 Spring Avenue

Beginning at a point on the North side of Spring Avenue which is 50' wide at the distance of 600' South of the centerline of the nearest improved intersecting street,

Monumental which is 60' wide.

*Being Lot #14, Block O, Section O in the subdivision of Oak Park as recorded in Baltimore County Plat Book # 12811, Folio # 372 containing 6039 square feet. Also known as 4220 Spring Avenue and located in the 13 Election District, 1st Councilmanic District.

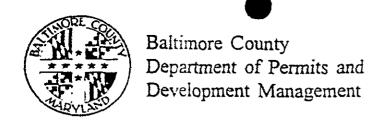
98-465-A

	PEOCESS ACTUAL TARE 5/29/19/8 10:01:08 ACTUAL ACTUAL	5 MGGLLANDER CREE RECEIPT REPORT & CSLC30	50.00 CHECK Ballinore County, Naryland	A 7/1/	1,09-12 1,09-12	CASHIER'S VALIDATION
BALTIMORE COUNTY, MARYLAI OFFICE OF BUDGET & FINANCE MISCELLANEOUS RECEIPT	DATE 5-29-78 ACCOUNT 12 801-6150		FROM: PA 170 FICKSULP ChEH 1327	FOR ADM. VAR + 4220 SPRING AVE	38-4654 R.T. 98	WHITE - CASHIER PINK - AGENCY YELLOW - CUSTOMER

	RE: Case No.: 98-465-A
	Petitioner/Developer:
•	Date of Hearing Closing: 6-27-98
•	Date of Hearing Closing: 6-27-68
Baltimore County Department of Permits and Development Management County Office Building, Room 111 111 West Chesapeake Avenue Towson, MD 21204	
Attention: Ms. Gwendolyn Stephens	
Ladies and Gentlemen:	
	perjury that the necessary sign(s) required by law cated at
The sign(s) were posted on	6/7/98 (Month, Day, Year)
CASE# 98-465-A	Sincerely, Sincerely, Sincerely, (Signature of Sign Poster and Date) RICHARO E HOFFMAN (Printed Name)
	904 DELLACOCO DR, (Address) FALLSTON, MO 21047 (City, State, Zip Code) (410) 879-3122 (Telephone Number)
A220 SPRING AND POSTED 6/1/98	보
1 1 199/ 6/1/98	<u>_</u>

ADMINISTRATIVE VARIANCE INFORMATION SHEET AND DATES

Case Number 98- 465 -A Address 4220 SPRING AUE.					
Contact Person: REGULO TANGUILLO Phone Number: 410-887-3391					
Filing Date: <u>5-29-98</u> Posting Date: <u>6-7-98</u> Closing Date: <u>6-22-98</u>					
Any contact made with this office regarding the status of the administrative variance should be through the contact person (planner) using the case number.					
1. <u>POSTING/COST:</u> The petitioner must use one of the sign posters on the approved list (on the reverse side of this form) and the petitioner is responsible for all printing/posting costs. Any reposting must be done only by one of the sign posters on the approved list and the petitioner is again responsible for all associated costs. The zoning notice sign must be visible on the property on or before the posting date noted above. It should remain there through the closing date.					
2. DEADLINE: The closing date is the deadline for an occupant or owner within 1,000 feet to file a formal request for a public hearing. Please understand that even if there is no formal request for a public hearing, the process is not complete on the closing date.					
ORDER: After the closing date, the file will be reviewed by the zoning or deputy zoning commissioner. He may: (a) grant the requested relief; (b) deny the requested relief; or (c) order that the matter be set in for a public hearing. You will receive written notification (typically within 7 to 10 days of the closing date) as to whether the petition has been granted denied, or will go to public hearing. The order will be mailed to you by First Class mail.					
4. POSSIBLE PUBLIC HEARING AND REPOSTING: In cases that must go to a public hearing (whether due to a neighbor's formal request or by order of the zoning or deputy zoning commissioner), notification will be forwarded to you. The sign on the property must be changed giving notice of the hearing date, time and location. As when the sign was originally posted, certification of this change and a photograph of the altered sign must be forwarded to this office.					
(Detach Along Dotted Line)					
Petitioner: This Part of the Form is for the Sign Poster Only					
USE THE ADMINISTRATIVE VARIANCE SIGN FORMAT					
Case Number 98-465 -A Address					
Posting Date: <u>6-7-98</u> Closing Date: <u>6-22-98</u>					
Vording for Sign: To Permit A REAR SETBACK OF 28 FT. FOR THE					
THISTING BUILDING AND ZIFT. FOR THE PROPOSED ENCLOSED					
SUN PORCH IN LIEU OF THE REQUIRED 35 FTi					



Development Processing County Office Building 111 West Chesapeake Avenue Towson, Maryland 21204

ZONING HEARING ADVERTISING AND POSTING REQUIREMENTS & PROCEDURES

Baltimore County zoning regulations require that notice be given to the general public/neighboring property owners relative to property which is the subject of an upcoming zoning hearing. For those petitions which require a public hearing, this notice is accomplished by posting a sign on the property (responsibility of which, lies with the petitioner/applicant) and placement of a notice in at least one newspaper of general circulation in the County.

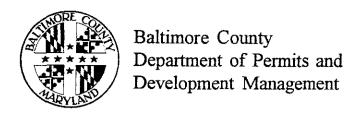
This office will ensure that the legal requirements for advertising are satisfied. However, the petitioner is responsible for the costs associated with this requirement.

Billing for legal advertising, due upon receipt, will come from and should be remitted directly to the newspaper.

NON-PAYMENT OF ADVERTISING FEES WILL STAY ISSUANCE OF ZONING ORDER.

ARNOLD JABLON, DIRECTOR
For newspaper advertising:
Item No.: 465
Petitioner: T. McPherson
Location: 4220 Spring ALL Habethorp NO 21227
PLEASE FORWARD ADVERTISING BILL TO:
NAME: PATIO ENclosures INC PLICE Agent
ADDRESS: 224 8th AVE NW
Gled Burnie MD 21061
PHONE NUMBER: 410 - 760 - 1919

AJ:ggs



Development Processing County Office Building 111 West Chesapeake Avenue Towson, Maryland 21204

June 16. 1998

Mr. R. L. Tice Patio Enclosures, Inc. 224 8th Avenue, N.W. Glen Burnie, MD 21061

> RE: Item No.: 465

> > Case No.: 98-465-A

Petitioner: Jerry McPherson Location: 4220 Spring Avenue

Dear Mr. Tice:

The Zoning Advisory Committee (ZAC), which consists of representatives from Baltimore County approval agencies, has reviewed the plans submitted with the above referenced petition, which was accepted for processing by Permits and Development Management (PDM), Zoning Review, on May 29, 1998.

Any comments submitted thus far from the members of ZAC that offer or request information on your petition are attached. These comments are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties (zoning commissioner, attorney, petitioner, etc.) are made aware of plans or problems with regard to the proposed improvements that may have a bearing on this case. Only those comments that are informative will be forwarded to you; those that are not informative will be placed in the permanent case file.

If you need further information or have any questions regarding these comments, please do not hesitate to contact the commenting agency or Gwendolyn Stephens in the zoning office (410-887-3391).

Sincerely,

W. Carl Richards,

Zoning Supervisor

WCR:ggs Attachment(s)



BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director Department of Permits and Development Management

DATE: June 8, 1998

FROM: Arnold F. "Pat" Keller, III, Director

Office of Planning

SUBJECT: Zoning Advisory Petitions

The Planning Office has no comments on the following petitions (s):

Item Nos. 443, 444, 445, 450, 452, 455, 456, 462, 464, and 465

If there should be any questions or if this office can provide additional information, please contact Jeffrey Long in the Office of Planning at (401) 887-3495.

Prepared by:

Division Chief:

AFK/JL



Parris N. Glendening Governor

David L. Winstead Secretary

Parker F. Williams Administrator

Ms. Gwen Stephens Baltimore County Office of Permits and Development Management County Office Building, Room 109 Towson, Maryland 21204

RE: Baltimore County 6.4.9 Y Item No.

465

Dear Ms. Stephens:

This office has reviewed the referenced item and we have no objection to approval as it does not access a State roadway and is not affected by any State Highway Administration projects.

Please contact Larry Gredlein at 410-545-5606 or by E-mail at (lgredlein@sha.state.md.us).

Thank you for the opportunity to review this item.

Very truly yours,

Au Ronald Burns, Chief

Engineering Access Permits

P. J. Dredh

Division

LG



Office of the Fire Marshal 700 East Joppa Road Towson, Maryland 21286-5500 410-887-4880

June 12, 1998

Arnold Jablon, Director Zoning Administration and Development Management Baltimore County Office Building Towson, MD 21204 MAIL STOP-1105

RE: Property Owner: SEE BELOW

Location: DISTRIBUTION MEETING OF June 8, 1998

Item No.: See Below Zoning Agenda:

Gentlemen:

Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below are applicable and required to be corrected or incorporated into the final plans for the property.

8. The Fire Marshal's Office has no comments at this time, IN REFERENCE TO THE FOLLOWING ITEM NUMBERS:

443, 444, 446, 447, 448, 449, 450, 452, 453, 455, 456, 460, 461, 462, 463, 464, 465) and John D. Barone

REVIEWER: LT. ROBERT P. SAUERWALD

Fire Marshal Office, PHONE 887-4881, MS-1102F

cc: File

BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

TO:

Arnold Jablon, Director

Department of Permits & Development

Date: June 23, 1998

Management

FROM:

Robert W. Bowling, Chief

Development Plans Review Division

SUBJECT:

Zoning Advisory Committee Meeting

for June 15, 1998

Item Nos. 442, 443, 444, 445, 450, 451, 452, 453, 454, 455, 457, 458,

459, 462, 463, 464, (465)

Use Permit for Farmer's Roadside Stand

John D. Barone & Beverlae Barone E/S York Road, 260' S of Sparks Road

(14943 York Road)

16844 Wesley Chapel Road

Case No. 98-381-SPHA

1820 Clearwood Road Case No. 98-438-SPHA

Hereford Plaza

Case No. 97-308-SPHA

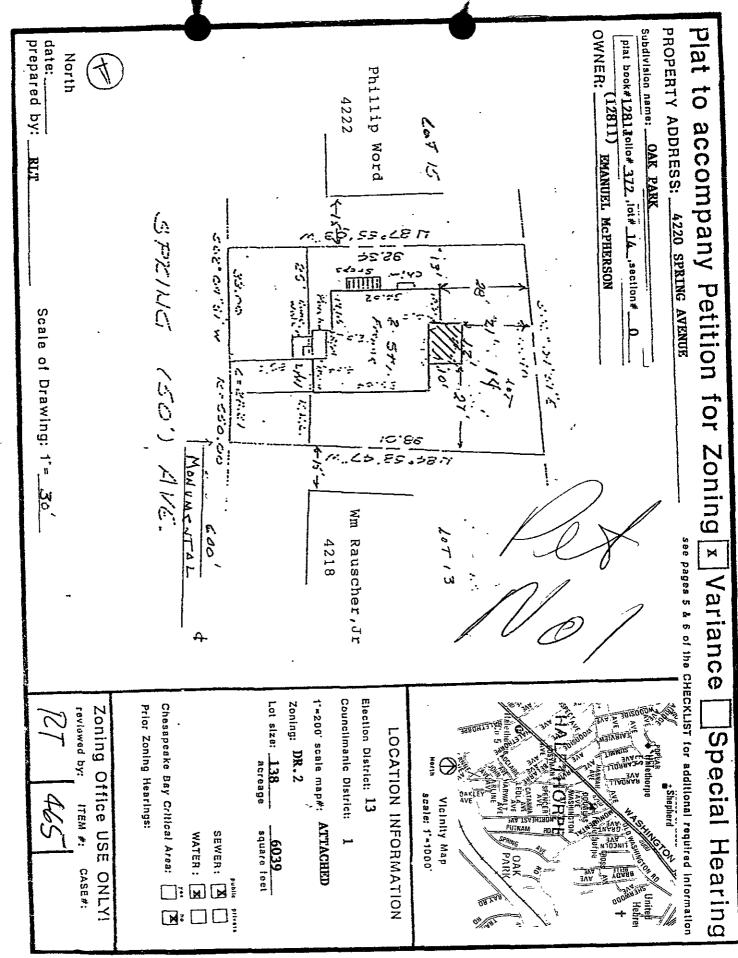
The Development Plans Review Division has reviewed the subject zoning items, and we have no comments.

RWB:HJO:jrb

cc: File



98.465-A





Baltimore County Department of Permits and Development Management

Development Processing
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204

ZONING HEARING ADVERTISING AND POSTING REQUIREMENTS & PROCEDURES

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This office will ensure that the legal requirements for advertising are satisfied. However, the petitioner is responsible for the costs associated with this requirement.

Billing for legal advertising, due upon receipt, will come from and should be remitted directly to the newspaper.

NON-PAYMENT OF ADVERTISING FEES WILL STAY ISSUANCE OF ZONING ORDER.

		DIRECTOR		
For newspaper advertising:	 			
Item No.:				
Petitioner:	 			
Location:				
PLEASE FORWARD ADVERTISING BILL TO:				
NAME:	 	***		
ADDRESS:	 			
PHONE NUMBER:				
AJ:ggs		: 1.00/24/06		

-16-

(Revised 09/24/96)



